

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

PAMELA J. BLANCO,

Plaintiff,

-against-

07 Civ. 4065

AFFIDAVIT OF
HOWARD M. MILLER

JOHN BROGAN, individually and
the VILLAGE OF SCARSDALE,
New York,

Defendants.

-----X

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NASSAU)

Howard M. Miller, being duly sworn, deposes and says:

1. I am a member of the firm of Bond, Schoeneck & King, PLLC, attorneys for defendants. This affidavit is submitted in support of defendants' motion to dismiss the complaint.
2. A copy of the charge of discrimination plaintiff filed with the U.S. Equal Employment Opportunities Commission (Charge No. 520200701320), which is referenced in the Complaint at ¶ 2, is annexed hereto as Exhibit "A."
3. The Complaint references promotions to the positions of Field Training Officer and Traffic Enforcement Officer positions (Complaint at ¶ 5). Copies of the postings and documents submitted to the EEOC regarding the dates of these positions are annexed hereto as Exhibit "B." These documents indicate that the selection process for the Field Training Officer

and Traffic Enforcement Officer promotions concluded in November 2005 and on February 28, 2006, respectively.

s/ Howard M. Miller
HOWARD M. MILLER

Sworn to before me this
11th day of July, 2007.

s/Regina L. Olsen
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2007, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

Jonathan Lovett, Esq.
LOVETT & GOULD, LLP
222 Bloomingdale Road
White Plains, New York 10605

s/ Howard M. Miller
Howard M. Miller
Bond, Schoeneck & King, PLLC
Attorneys for Defendants
1399 Franklin Avenue, Suite 200
Garden City, New York 11530

EXHIBIT “A”

U.S. Equal Employment Opportunity Commission

SCARSDALE POLICE DEPARTMENT
Chief Brogan
50 Tompkins Road
Scarsdale, NY 10583

PERSON FILING CHARGE

Pamela Blanco

THIS PERSON (check one or both)

 Claims To Be Aggrieved Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

520-2007-01320

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

 Title VII of the Civil Rights Act The Americans with Disabilities Act The Age Discrimination in Employment Act The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by **28-FEB-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by _____ to _____. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

John B. Douglass,
Supervisory Investigator

EEOC Representative

Telephone (212) 336-3765

New York District Office - 520
33 Whitehall Street
5th Floor
New York, NY 10004

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE DISABILITY RETALIATION OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
February 06, 2007	Spencer H. Lewis, Jr., Director	

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form

520-200-EP144
ENTER CHARGE NUMBER FEPA
 EEOCNEW YORK STATE DIVISION OF HUMAN RIGHTS and EEOC
(State or local Agency, if any)

NAME (Indicate Mr.,)	DOB [REDACTED]	HOME TELEPHONE NO. (Include Area Code) B45-353-2443
Ms. Pamela J. Blanco	ss [REDACTED]	
STREET ADDRESS 968 Sierra Vista Lane Valley Cottage, New York 10989 Rockland	CITY, STATE AND ZIP CODE	COUNTY
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)		
NAME Scarsdale Police Department, Village of Scarsdale, N.Y.	NO. OF EMPLOYEES/MEMBERS 100+	TELEPHONE NUMBER (Include Area Code) 914-722-1200
STREET ADDRESS 50 Tompkins Road, Scarsdale, New York 10583	CITY, STATE AND ZIP CODE	
NAME N/A	TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS	CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> race <input checked="" type="checkbox"/> color <input checked="" type="checkbox"/> sex <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> Age <input type="checkbox"/> RETALIATION <input type="checkbox"/> OTHER		DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE 2007 (Month, day, year) January 3, 2007

THE PARTICULARS ARE (if additional space is needed attach extra sheet)

I am a female, Caucasian police officer employed by the Respondent, having first been sworn as a member of the Village Police Department in 1996. Since my initial employment and continuing to date I have been systematically and routinely denied equal terms and conditions of employment as those enjoyed by police officers who are male, male Hispanic and/or male Black and/or male of Middle Eastern descent. In that connection and continuing to date I have regularly been denied specialized training, whereas junior male police officers have been afforded same. I have been routinely skipped for promotion and/or special duty assignments in favor of younger and/or lesser qualified officers. Most recently this past summer/fall I was denied two promotional opportunities one of which was given to a male Hispanic with but two years experience on the job; the other was given to a male of Jordanian national origin, who had only two years experience on the job. In each case I was better qualified for the appointment. Out of approximately 40+ police officers, there are only two females - - who are required to use a bathroom as a locker room. Under the premises I charge Respondent with violating my rights, privileges and immunities as guaranteed me by reason of Title VII and the Age Discrimination in Employment Act.

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Pamela J. Blanco, January 3, 2007

NOTARY (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE
(Day, month and year)

EXHIBIT “B”

SPD 94

**SPECIAL ORDER****No: 06.10**

ISSUE DATE:	February 10, 2006	EFFECTIVE DATE:	February 10, 2006
REVISES:		SUPERSEDES:	
SUBJECT: TRAFFIC ENFORCEMENT UNIT VACANCY			
DISTRIBUTION: ALL MEMBERS OF THE DEPARTMENT			
REEVALUATION DATE:		PAGE:	1 OF 1
ISSUING AUTHORITY: Lieutenant Andrew A. Matturro			

The department is implementing a Traffic Enforcement Unit within the Patrol Section. Officers interested in the position should submit a memo to Lieutenant Andrew Matturro no later than February 21, 2006. All interested candidates should take note of the following requirements for the position:

The Traffic Enforcement Officer responsibilities will include, but not be limited to:

1. Primary responsibility for accomplishing the traffic enforcement component of the Patrol Section;
2. Investigating specific vehicle and traffic complaints;
3. Training as an Auto Accident Investigator;
4. Performing specific pedestrian and vehicle and traffic surveys, vehicle and traffic education and enforcement programs;
5. Assisting in the department DataMaster/Intoxilyzer and radar unit maintenance and calibrations;
6. Assisting in handling traffic signal problems;
7. Volunteering to work an enhanced schedule with steady days off; and
8. Responding to calls for service within assigned boundaries, upon direction of a supervisor.

Officers selected for the Traffic Enforcement Unit will be given the opportunity to be trained in the operation of the department's motorcycle. However, operation of the motorcycle is not required for appointment to the Traffic Enforcement Unit.

Any questions concerning the proposed unit should be addressed with Lieutenant Matturro.

VILLAGE OF SCARSDALE POLICE DEPARTMENT

SPD 95

**PERSONNEL ORDER****No: 06.05**

ISSUE DATE: February 28, 2006

EFFECTIVE DATE: February 28, 2006

REVISES

SUPERCEDES

SUBJECT: Traffic Enforcement Unit Appointments**DISTRIBUTION: ALL MEMBERS OF THE DEPARTMENT**

REEVALUATION DATE:

PAGE: 1 OF 1

ISSUING AUTHORITY: Andrew Matturro, Patrol Section Commander

In accordance with Special Order 06.10 "Traffic Enforcement Unit Vacancy", the following officers have been appointed to the new unit:

- P.O. C. Keitel
- P.O. J. Santo
- P.O. R. Arefieg

Enforcement Officers will be entered in the Department's POSS System. Therefore, when selecting vacation, members of the unit as well as police officers must check POSS to avoid any scheduling conflicts.

VILLAGE OF SCARSDALE POLICE DEPARTMENT

SPD 94

**SPECIAL ORDER****No: 05.47**

ISSUE DATE	10/10/2005	EFFECTIVE DATE	
REVISES		SUPERCEDES	
SUBJECT: FIELD TRAINING OFFICER SELECTION			
DISTRIBUTION: ALL MEMBERS OF THE DEPARTMENT			
RE-EVALUATION DATE		PAGE	1 OF 1
ISSUING AUTHORITY: LT. THOMAS ALTIZIO			

The department will be selecting new field training officers to complement the existing group of officers. Those interested should notify their immediate supervisors as assigned in Special Order 05.14 by submitting an SPD 2 no later than Friday, October 21, 2005. Officers should familiarize themselves with General Order 21.02 for job description and qualification information. Interviews will be conducted prior to final selection. Candidates will be notified of the time and date of their particular interview.

VILLAGE OF SCARSDALE POLICE DEPARTMENT

Roster For Training Course

Course: Field Training Officer

Dates: 11/29/2005-12/2/2005

Times: 0800-1600

Exposure Hours: 32.00

Location: West Cty Police Academy

Instructor: WCPD

<u>LastName</u>	<u>FirstName</u>	<u>Rank</u>	<u>T-Day</u>	<u>Date Taken</u>	<u>Squad</u>
NAVA	ARMANDO	PO			Squad 1
KEITEL	CRAIG	PO			Squad 1

Training Assignment Notification

Officer PO ARMANDO NAVA

Course: Field Training Officer **Exposure Hour** 32.00

Start Date: 11/29/2005 **End Date:** 12/2/2005

Start Time 0800 **End Time:** 1600

Location: West Cty Police Academy

Instructor: WCPD

Special Instructions:

Training Assignment Notification

Officer PO CRAIG KEITEL

Course: Field Training Officer **Exposure Hour** 32.00

Start Date: 11/29/2005 **End Date:** 12/2/2005

Start Time 0800 **End Time:** 1600

Location: West Cty Police Academy

Instructor: WCPD

Special Instructions: